

EXHIBIT 1

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

SPARTAN CONCRETE PRODUCTS)

LLC)

Plaintiff)

Case No. 3:15-CV-0004

)

)

Vs.)

)

ARGOS USVI, CORP f/k/a)

CARICEMENT USVI CORP)

)

Defendants)

DEPOSITION OF

KURT NOSE

APPEARANCES

ON BEHALF OF THE PLAINTIFF: Spartan Concrete Products, LLC

Kellerhals Ferguson Kroblin, LLC
9053 Estate Thomas, Ste 101
St. Thomas, USVI 00802

BY: Christopher Allen Kroblin, Esq.

ON BEHALF OF THE DEFENDANTS: Argos USVI Corp f/k/a
Caricement USVI Corp.

McGuireWoods LLP
Gateway Plaza
800 E. Canal Street
Richmond Virginia 23219

BY: Casey Erin Lucier, Esq.

ALSO PRESENT:

Patrick O'Brien - Attorney representing Heavy Materials, LLC
And the Witness, Kurt Nose

The ORAL DEPOSITION OF KURT NOSE was taken on
The 20th day of September 2016 at Kellerhals Ferguson Kroblin,
LLC located at Royal Palms Professional Building, 9053 Estate
Thomas, Ste 101. St. Thomas, U.S. Virgin Islands beginning at
9:14 a.m. and concluding at 1:04 p.m. pursuant to Notice of
Federal Rules of Civil Procedure.

Reported By:

Verna Turnbull-Carty, CCR
P.O. Box 307223
St. Thomas, USVI 00803

1 Croix went up as well.

2 Q. Okay. And about how much did they go up?

3 A. Again it's hard to come up with a stated
4 specific answer, because during this whole time -- I can't speak
5 for St. Croix and Spartan Concrete, but here in St. Thomas our
6 list price always stayed the same, it never dropped; it was just
7 the discounts that were given. And those discounts ranged a lot
8 depending on different jobs. So it's hard to say a set number
9 to where it got to, to where it went back up to its list price.
10 So it went back up to list price.

11 Q. Got it. And most of those discounts, were they
12 in reaction to the low pricing strategy of Spartan in St.
13 Thomas?

14 A. Absolutely.

15 Q. And once Spartan was no longer operating in
16 St. Thomas, did Heavy Materials have to give out as many
17 discounts?

18 A. Not as many, no.

19 ATTORNEY LUCIER: This document is Exhibit 19.

20 (EXHIBIT NUMBER 19 MARKED FOR IDENTIFICATION)

21 Q. It's a relatively short email. Exhibit 19 is
22 document, Bates Number Heavy 03150. And it's an email exchange
23 between Doug Gurlea and Allen Klingensmith. It takes place on
24 April 1st, 2014. The first email Allen sends to Doug Gurlea a
25 spreadsheet and writes: "Attached is the spreadsheet that you